

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:11cr195**

UNITED STATES OF AMERICA,)	
)	
)	
Vs.)	ORDER
)	
HAROLD ELWOOD PRITCHETT.)	
)	
)	

THIS MATTER is before the court on defendant's post-sentencing, pre-entry of judgment pro se letter requesting that the yet-to-be entered judgment include participation in drug treatment during incarceration. While pro se letters from represented parties are not a proper basis for relief, see L.Crim.R. 47.1(H), the court has in an abundance of cautioned again reviewed the Final Presentence Report as to defendant's history of substance abuse, which reveals the following:

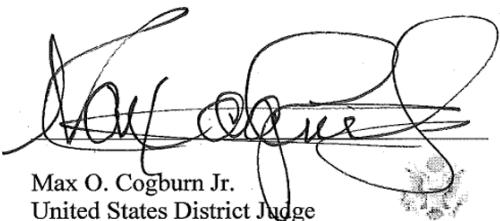
The defendant refused to discuss any history of substance abuse. According to Virginia Department of Correction records, Pritchett reported an addiction to heroin that began in August 1973 and resulted in inpatient drug treatment for sixty days while in the United States Army.

PSR (#30), at ¶ 77. Through defendant's own refusal, there is no basis for this court to include in its judgment any order that defendant be allowed to participate in drug treatment while incarcerated. Indeed, defendant cannot simply refuse to provide pertinent information before sentencing and then, only after the adversary hearing, seek the benefits of providing information in a manner that the government cannot challenge. Defendant is advised that during his assessment and classification at the Bureau of Prisons, he should be forthcoming with his BOP case manager as to what substance abuse issues he may have. At this point, it is up to the BOP to determine what programs defendant may be eligible to enroll.

ORDER

IT IS, THEREFORE, ORDERED that to the extent defendant seeks to correct or amend the announced but yet-to-be entered Judgment by way of his November 5, 2012, letter (#38), such motion is denied without prejudice in accordance with L.Crim.R. 47.1(H).¹

Signed: November 13, 2012



Max O. Cogburn Jr.
United States District Judge

¹

The court does not consider this motion to be a § 2255 motion.